

REMARKS

Claims 1-51 are pending in the present application. Claims 1, 4, 10, 12, 13, 16, 17, 23, 25, 27, 30, 37, 39, 41, 44 and 49 are independent.

The Applicant notes with appreciation the discussion of and attention to this matter provided by Examiners P. Laufer and P. Salse of Group 2100.

The Applicant respectfully maintains that draft specification filed as Exhibit B on December 10, 2003, in connection with the Seligmann Declaration is substantially identical to the specification as filed. The Applicant thus respectfully continues to contend that the Seligmann Declaration addresses only the alleged deficiency of the initially provided supporting evidence that was “newly raised” in the final rejection.

The Applicant further contends that, given the substantial correspondence between the draft application provided with the Seligmann Declaration and the present application as filed, only a “cursory review” of these materials would have been necessary to confirm that the draft specification was sufficient to support the claims as filed and is thus sufficient to antedate and remove the Wang reference.

CONCLUSION

In view of the above amendments and remarks, the Applicant again respectfully requests that the Examiner reconsider the refusal to enter and consider the Seligmann Declaration, withdraw all rejections predicated on the Wang reference and allow pending claims 1-51.

In the event that the Examiner is not persuaded by Applicant's arguments, or any other outstanding matters remained in the present application, the Examiner is invited to contact the undersigned at (703) 668-8000 to discuss this application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; including, in particular, extension of time fees.

Respectfully submitted,

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By: _____


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